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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,754	02/08/2001	Ellis W. Patrick III	08215-417001 / CHL-026064	4152
24504	7590	10/23/2003	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			TRUONG, BAO Q	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,754

Applicant(s)

PATRICK, ELLIS W.

Examiner

Bao Q. Truong

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 12-21, 25-29, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 9, 11, 22-24, 30, 31 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16. 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection. A new reference, Makita [US 4,503,486], is applied.

Drawings

2. The drawings were received on 15 May 2001. These drawings are required corrections. See PTO-948 attachment.

Claim Objections

3. Claim 1, 9, 10 and 12 are objected to because of the following informalities:

Claim 1, there is lack of antecedent basis for "the reflector" on line 6.

Claim 10, there is lack of antecedent basis for "the reflector" on line 2.

Claim 9, "assembly" should be changed to --assemblies--.

Claim 12, is "a reflector" on line 2 different from "the reflector" of claim 1 line 6. If they are different, the applicant should show them in the drawings and specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 7, 8, 10, 12-21, 25-29, 32 and 33 are rejected under 35

U.S.C. 102(b) as being anticipated by Makita [US 4,543,486].

Regarding claims 1, 15, 16, 25, 32 and 33, Makita discloses an adjustable light fixture having a housing [A], a reflector assembly [B, B', 7, 9] rotatably attached to the interior of the housing [A] and an adjustment mechanism [1, 1a, 1b, 2] to cause movement of a reflector [B] (figure 1, column 2 lines 55-68, column 3 lines 1-28).

Regarding claims 2 and 17, Makita discloses a channel [m] (figure 1).

Regarding claims 3 and 18, Makita discloses the adjustment mechanism [1, 1a, 1b, 2] attached to the reflector assembly [B, B', 7, 9] (figure 1).

Regarding claims 4 and 19, Makita discloses a frame [7, 9] attached to the mechanism [1, 1a, 1b, 2] (figure 1).

Regarding claim 5, Makita discloses the frame [7, 9] attached to the housing [A] (figure 1).

Regarding claims 7 and 20, Makita discloses a hinge [6, 6b, 10] (figure 1).

Regarding claims 8, 21 and 26, Makita discloses a screw assembly [1, 1a, 1b] (figure 1).

Regarding claim 10, Makita discloses the screw assembly [1, 1a, 1b] being rotatable to move the reflector [B] (figure 1).

Regarding claim 12, Makita discloses a reflector [B] (figure 1).

Regarding claim 13, Makita discloses a light socket [G] (figure 1).

Regarding claim 14, Makita discloses an adjustable light fixture having a housing [A], a channel [m], a reflector assembly [B, B', 7, 9] rotatably attached to the interior of the housing [A], a frame [7, 9], a hinge [6, 6b, 10] and an adjustment mechanism [1, 1a, 1b, 2] with a rotatable screw [1, 1a, 1b] through the channel [m] to cause movement of a reflector [B] (figure 1, column 2 lines 55-68, column 3 lines 1-28).

Regarding claims 27 and 28, Makita discloses a nut [2], a thread shaft [1] and a spring (figures 1-2).

Regarding claim 29, Makita discloses means [1a] for rotatably connecting the reflector [B] and means [4, 4a, 4b, 4'a, 4'b] for rotatably connecting an end of the screw [1] to the reflector [B] (figures 1-2).

Allowable Subject Matter

6. Claim 9, 11, 22-24, 30-31 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 9 and 22, the adjustment mechanism comprises two screw assemblies.

Claims 11 and 30, the adjustment mechanism comprises a swivel bolt.

Claims 23-24 are dependent on claim 22.

Claim 31 and 34 are dependent on claim 30.

The limitations discussed above are neither disclosed nor suggested by the prior art of records.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (703) 308-6452. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Bao Q. Truong
Examiner
Art Unit 2875

BQT


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800